

DEAR HONORABLE Judge William C. Mulford II 10th 12/16/2013

K-07-1393

CRIMINAL DEPT.

20th JAN - 2 A 10:51

As Noted by Wharton Criminal Law The Rule of Common law, was that in the Absence of Any "Statutes," if it is Not Stated in Either of the two (Consecutive) Sentence imposed At the Same time, that one of them (Sentences) Shall take Effect At the Expiration of the other, (then) the two periods of times will Run Concurrently And the two punishments Executed Simultaneously.

Honorable Judge Mulford II, I Ask you, is this Not my Situation? Your Honor, my Commitment Record does Not Reflect your impose Sentences on the Transcript, And I only Ask That Fairness be given to me base on the Md. Rules. As Mr. Justice Potter Stewart has stated And observed "Fairness is what Justice Really is." ALSTON V. STATE 38 Md. App. 611... Your Honor, I HAVE Already Served 6 YEARS, 6 months, and 3 days to date of the Filing of this Motion, Count 6, of 5 years has Already BEEN Served base on the Starting date of June 14th, 2007. Hence, the Court of Special Appeals in Smith V. STATE, 23 Md. App. 177, took Recognition, that "Although Sentences Are imposed by Sentencing Judges, to Run Consecutive Sentences to Each other, there is an expiration (termination) date of Serving to be done ON EACH (Single) individual imposed Consecutive Sentence"... Your Honor, has these Sentences "Count 6, And Count 1, gotten lost

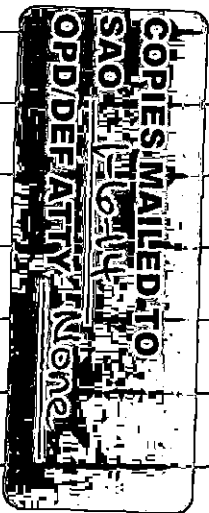
in the irregular sentencing because The Hagerstown Commitment Office has "lump" the consecutive sentences together to read as one term? This is not the rule Your Honor, and if you read the 2 letters that "you" sent to the defendant, you shall see that "I could no longer file and letters ex parte", because that would not be in accordance with Maryland Rule 1-323... All Md. Rule must be followed. → Md. Rule 1-201...

Your Honor, I ask that you truly forgive any mistakes made within this motion for modification of sentence... As you can see, I did not write back until I put this together as best as I could and follow your instruction by attaching a certificate of service to both this letter and to this said motion.

Thank you for your time Your Honor,
And have a happy holiday...

Sincerely and respectfully
Submitted,

Bailey J. Neal - 349.871





STATE OF MARYLAND
FIFTH JUDICIAL CIRCUIT
CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
P.O. Box 2395
ANNAPOLIS, MD 21404-2395

WILLIAM C. MULFORD, II
JUDGE

TELEPHONE 410-222-2014
FAX: 410-222-1164
TDD 410-222-1429
www.circuitcourt.org

August 15, 2013

Boisey L. Neal
18800 Roxbury Road
Hagerstown, MD 21746

Re: Case No: K-07-1393

Dear Mr. Neal,

The Court has received your letter wherein you are requesting a modification of sentence. The Court is unable to accept your letter at this time as it was filed ex parte. See Maryland Rule 1-323. Further, if you are represented by Counsel, I suggest you direct any requests and concerns through Counsel. I hope this information is helpful.

Sincerely,

William C. Mulford, II

WCM/mja

Copies to:
Office of the State's Attorney



STATE OF MARYLAND
FIFTH JUDICIAL CIRCUIT
CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
P.O. Box 2395
ANNAPOLIS, MD 21404-2395

WILLIAM C. MULFORD, II
JUDGE

TELEPHONE 410-222-2014
FAX: 410-222-1164
TDD 410-222-1429
www.circuitcourt.org

September 9, 2013

Boisey L. Neal, Sr., #349-871
18800 Roxbury Road
Hagerstown, MD 21746

Re: Letter

Dear Mr. Neal,

The court is unable to accept your letter as you did not provide your *Circuit Court* case number. If you would like to return your letter to the Court with the Circuit Court case number, so that the Court can identify you, your letter will be considered.

Additionally, the Court is unable to accept your letter at this time as it was filed ex parte. Please see Maryland Rule 1-323.

Sincerely,

A handwritten signature in black ink, appearing to be "W. C. Mulford, II".

William C. Mulford, II



349871

Department of Public Safety and Correctional Services

Office of the Secretary

Hagerstown Regional Commitment Office

18601 ROXBURY ROAD • HAGERSTOWN, MARYLAND 21746
(240)420-1100 • FAX (301) 416-8422 • TTY USERS 1-800-735-2258 • www.dpscs.maryland.gov

December 18, 2012

STATE OF MARYLAND

MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR

GARY D. MAYNARD
SECRETARY

G. LAWRENCE FRANKLIN
DEPUTY SECRETARY
ADMINISTRATION

J. MICHAEL STOUFFER
DEPUTY SECRETARY
OPERATIONS

DAVID N. BEZANSON
ASSISTANT SECRETARY
CAPITAL PROGRAMS

JON P. GALLEY
DIRECTOR
NORTHERN REGION

WENDELL M. FRANCE
DIRECTOR
CENTRAL REGION

PATRICIA VALE
DIRECTOR
SOUTHERN REGION

PATUXENT INSTITUTION

MARYLAND COMMISSION
ON CORRECTIONAL
STANDARDS

CORRECTIONAL TRAINING
COMMISSION

MARYLAND PAROLE
COMMISSION

CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

Mr. Boisey Neal
MCTC HU5B TIER 2 CELL 020 BED S

Dear Mr. Neal:

Your correspondence to Warden Morgan has been forwarded to this office for a response. In your letter you state you believe you are serving a 15 year sentence and no more. You state your other sentences are "eaten" up by the 15 year sentences.

After an investigation into your concerns, it was determined you are serving a total of 26 years 5 months and 25 days for all of your sentences. I will explain how this term was established.

I have attached a chart that explains your sentences and their structure. ~~Consecutive sentences are added on to whatever they are consecutive with to determine when they end.~~ Hopefully the chart will explain the relationship between all of the sentences.

Thank you again for sharing your concerns with this office. I hope this information is helpful in addressing that concern.

Sincerely,

Marcene Kipe

Marcene Kipe
CRS Supervisor

*she does not
explain by Md. Rule*

4-351(a)-(5).

*This Rule does not
say "Add" to A CONCURRENT*

cc: Case Management/MCTC
Commitment File

Rule 4-351. Commitment record.

(a) *Content.*- When a person is convicted of an offense and sentenced to imprisonment, the clerk shall deliver to the officer into whose custody the defendant has been placed a commitment record containing:

- (1) The name and date of birth of the defendant;
- (2) The docket reference of the action and the name of the sentencing judge;
- (3) The offense and each count for which the defendant was sentenced;
- (4) The sentence for each count, the date the sentence was imposed, the date from which the sentence runs, and any credit allowed to the defendant by law;
- (5) A statement whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of the preceding term or to any other outstanding or unserved sentence; and
- (6) the details or a copy of any order or judgment of restitution.

CIRCUIT COURT FOR ANNE ARUNDEL COUNTY
Robert P. Duckworth
Clerk of the Circuit Court
7 Church Circle
Post Office Box 71
Annapolis, MD 21404-0071
(410)-222-1420, TTY for Deaf: (410)-222-1429
Civil (410)222-1431

A M E N D E D C O M M I T M E N T R E C O R D

Case Number: 02-K-07-001393 IN
Arrest Tracking Number : 07-1001-00730-2
District Court Number : 6A00172640
C R I M I N A L

State Of Maryland

vs

Boisey Levern Neal (04/06/66)

Tracking No.: 07-1001-00730-2

ID No.:

Date Sentence Imposed: 03/28/08

FBI #: 158091FA7

SID #: 978847

Inmate#:

TO: Warden/Superintendent Commissioner of Corrections

YOU ARE DIRECTED to receive the above named Defendant who has been sentenced and is hereby committed to your custody by William C. Mulford, II, Judge
The Defendant has been found guilty as to:

Count No: 1 ATN: 07-1001-00730-2 Citation No:

Art/Sec: CR.3.403

Charge: CJIS :2 0705 Armed Robbery

Sentence 20 years 0 months 0 days 0 hours with
10 years 0 months 0 days 0 hours suspended.

The jail sentence in this count is Consecutive to the jail-
sentence imposed in Count(s): TO COUNT 6

The jail sentence in this count is Concurrent with the jail
sentence imposed in Case(s):

FBI

TO: Parole Eligibility Restrictions

Count No: 6 ATN: 07-1001-00730-2 Citation No:

is Art/Sec: CR.4.204

Charge: CJIS :1 5299 Handgun Use/Felony/Violent Crime

Sentence 10 years 0 months 0 days 0 hours with
5 years 0 months 0 days 0 hours suspended.

The jail sentence in this count is Concurrent with the jail
sentence imposed in Case(s):

Parole Eligibility Restrictions

For and on behalf of the State of Maryland

CG
LS

All but 15 years 0 months 0 days 0 hours is/are suspended and the defendant is placed on probation for a period of 5 years 0 months 0 days 0 hours commencing upon

Split
Sentence

- X 1. Release of Defendant from physical incarceration.
2. Release of Defendant from parole, or mandatory supervision pursuant to Art. 41, Sec.4-612.

The total time to be served is 15 years, 0 months, 0 days, 0 hours, to run:

- X A. concurrent with any other outstanding or unserved sentence and begin on 06/14/07.
___ B. consecutive to the last sentence to expire of all outstanding and unserved Maryland sentences.
___ C. consecutive to the sentence imposed in case No. _____.

FF
TO
02
CG
LS

The defendant has been awarded 288 days credit for time served prior to and not including date of sentence (Criminal Procedure Article, Section 6-218).

ADDITIONAL SENTENCING INFORMATION/PROVIDE PAROLE ELIGIBILITY RESTRICTIONS OR PAROLE RECOMMENDATIONS, IF ANY:

Count 1

20 YEARS DOC SUSPEND ALL BUT 10 YEARS TO BE CONSECUTIVE TO COUNT 6, TOTALLY ABSTAIN, COURT RECOMMENDS PATUXENT INST, SENTENCE TO BEGIN ON 6/14/07, NO CONTACT WITH VICTIM, DNA TESTING BY 3/28/08, COURT COST \$145, P&P FEE WAIVED
Eligible for Parole.

FF
TO
02

Count 6

10 YEARS DOC SUPEND ALL BUT 5 WITHOUT PAROLE
Eligible for Parole.

FF
TO
02
CG
LS

As defined in Criminal Procedure Article, Section 11-701, and subject to requirements of Section 11-701 to Section 11-721 Defendant to be registered as a:

[] CHILD SEXUAL OFFENDER [] OFFENDER
[] SEXUALLY VIOLENT OFFENDER and/or [] SEXUALLY VIOLENT PREDATOR.

LS

Commitment is for execution of previously suspended sentence after Defendant was found in violation of probation.

Sentencing modification. This commitment supersedes commitments issued on: _____.

ATTACHMENTS HERETO INCLUDE:

Order for Probation;
Pre-Sentence Investigation;
Md Sentencing Guidelines Worksheet;

TRULY taken from the record of this court. Appeal Bond set at \$ 0.00

WITNESS my Hand and the Seal of said Court this date:

As
FF
CG

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

STATE OF MARYLAND

v.

BOISEY NEAL

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*
*
*
*
*

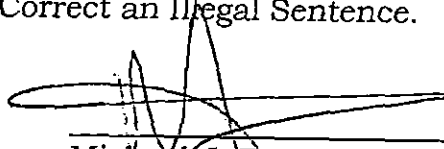
Case No.: K-07-1393

**STATE'S OPPOSITION TO DEFENDANT'S
MOTION TO CORRECT AN ILLEGAL SENTENCE**

Now comes the State, by and through Michael J. Dunty, Assistant State's Attorney for Anne Arundel County, and respectfully requests this Honorable Court to deny the Defendant's Motion, and for cause states:

1. There is no illegal sentence in the above-captioned case. The sentences imposed in Baltimore County and Baltimore City were imposed after the sentencing in the above-captioned case.
2. This Honorable Court cannot impose a concurrent sentence to a sentence that had yet to be imposed.

WHEREFORE, the State respectfully requests this Honorable Court deny the Defendant's Motion to Correct an Illegal Sentence.



Michael J. Dunty
Assistant State's Attorney
7 Church Circle, Suite 200
Annapolis, Maryland 21401
(410) 222-1740
(410) 222-1196 - fax

TRUE COPY
TEST: Robert Duckworth, Clerk
By: aa Deputy

UCS-AWH

2013 JUL 30 A 11:23
CRIMINAL DEPT.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26th of July, 2013 a copy of the foregoing Answer was mailed, postage prepaid, to:

Boisey Neal ID#349-871
18800 Roxbury Road
Hagerstown, MD 21746

A handwritten signature in black ink, appearing to read "Michael J. Dunty", written over a horizontal line.

Michael J. Dunty
Assistant State's Attorney